

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CURTIS WARNER, on behalf of
himself and all others similarly
situated,

Plaintiff,

v.

MIDLAND FUNDING, LLC,
MIDLAND CREDIT
MANAGEMENT, INC., and SMITH
DEBNAM NARRON DRAKE
SAINTSING & MYERS, LLP,

Defendants.

1:18-cv-00727-LCB-LPA

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants Midland Funding LLC (“Midland Funding”) and Midland Credit Management, Inc. (“MCM” and, collectively, “Midland”), by counsel, respectfully notify the Court of a recent decision that is relevant to Midland’s pending Motion to Compel Arbitration and Dismiss but was decided after briefing had been complete.

On March 13, 2019, the United States District Court for the Eastern District of New York issued a ruling in *Brecher v. Midland Credit Management*, No. 18-CV-3142, 2019 U.S. Dist. LEXIS 40590 (E.D.N.Y. Mar. 13, 2019) (granting motion to compel arbitration, relying on declarations by Sean Mulcahy and the original creditor) (attached as **Exhibit 1**).

Midland respectfully submits that the court's decision in *Brecher* supports Midland's arguments advanced in its pending Motion to Compel Arbitration which should be granted.

This the 22nd day of March 2019.

Respectfully submitted,

TROUTMAN SANDERS LLP

/s/ Ethan G. Ostroff

Ethan G. Ostroff

Admitted Pro Hac Vice

VA Bar No. 71610

222 Central Park Avenue, Suite 2000

Virginia Beach, VA 23462

Telephone: (757) 687-7541

Facsimile: (757) 687-7510

Ethan.ostroff@troutman.com

Danielle K. Greco, N.C. State Bar 30701

305 Church Street at North Hills,

Suite 1200

Raleigh, North Carolina 27609

Telephone: (919) 835-4147

Facsimile: (919) 835-4101

danielle.greco@troutman.com

*Attorneys for Defendants Midland Funding LLC
and Midland Credit Management, Inc.*